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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,951	03/13/2002	Kazuhito Kato	50353-584	4697
20277	7590	02/25/2004		
MCDERMOTT WILL & EMERY 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
			EXAMINER NGUYEN, KIMNHUNG T	
			ART UNIT 2674	PAPER NUMBER

DATE MAILED: 02/25/2004 6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,951

Applicant(s)

KATO ET AL.

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This Application has been examined. The claims 1-19 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5, 7-8, 10-11 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi (EP 0953826 A2 cited by Applicant).

Regarding claims 1-2, 7, 16-17, Hayashi discloses in figure 1, a display apparatus for an automotive vehicle comprising an image display (12) section; a present position measuring section that measures a present position of the vehicle (P0, see paragraph 0076, line 3); an inherent superimpose processing section that superimposes a mark representing the present position of the vehicle on the road map data image to display the road map data image on which the mark is superimposed through the image display section (see paragraph 0087, lines 16-18); and display control section (CPU6) that rotates the road map data image displayed on an image screen of the image display section in accordance with a traveling direction of the vehicle and varies a display form of the displayed road map data image between a region of the road map data image which is near to a displayed position at which the vehicle is present and another region of the road map data image which is remote from the displayed position thereof when rotating the

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road map data image on the image screen displayed on the image display section (see in input device 10, see paragraph 0037).

Regarding claims 4-5, 8, Hayashi discloses wherein the variation characteristic in the display form setting table (T1, see claim 4), and the road map data image is to be displayed in the form with an angular velocity (see paragraph 0037).

Regarding claims 10-11 and 18, Hayashi discloses wherein the display control section varies the display form in such a manner as to synchronize a rotation of a field of view in a driving direction of the vehicle and displayed on the image screen (see figures 4-5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (EP 0953826 A2 cited by applicant) in view of Teresi et al. (US patent 6,505,503) and in view of Tanaka (US patent 6,470,265)

Hayashi discloses every feature of the claimed invention, excluding velocity-calculating section that calculated one of a circumferential velocity and angular velocity thereof, and the display control section comprises traveling route direction that predicts a direction of the vehicle. Teresi et al. disclose a vehicle system having a sensor to calculate the

velocity (or velocity calculating section, see column 8, lines 35-39). Tanaka discloses a route guidance (see Tanaka, column 10, lines 24-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of using the velocity calculating section by sensor as taught by Teresi et al. and a route guidance as taught by Tanaka into the display system having angular velocity and an inherent circumferential velocity of Hayashi because this would calculate the rider is on the track, but is also calculate the acceleration and load (see Teresi, column 8, lines 35-39), and for the route guide would for avoidance of traffic congestion and traffic restriction (see Tanaka, column 10, lines 24-28).

5. Claims 6, 9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (EP 0953826 A2 cited by Applicant) in view of Tanaka (US patent 6,470,265).

Hayashi does not disclose wherein the display form at least brightness; a comparison data comparing the present traveling direction of the vehicle read from the road map image with a forward bend situation of he present traveling direction. Tanaka discloses in figure 5, a method and apparatus for processing digital map of vehicle display comprising a brightness (see column 6, lines 35-36); and a comparison section (34) for comparison of the new and old orthoimage data of the vehicle (see column 8, lines 62-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of using the comparison section (34) for comparison of the new and old orthoimage data of the traveling direction of the vehicle as taught by Tanaka into the display system having the road map of Hayashi because this would perform the

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correspondence comparison and overlapping comparison of the new and old orthoimage data to obtain data of changes between the new and old data (see column 8, lines 62-65).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

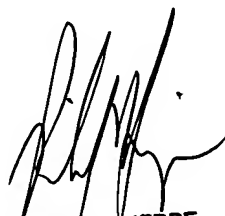
Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kimnhung Nguyen
February 21, 2004


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600